



The Wisconsin Court System

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P lanning &

A D R

P o l i c y

S u b - C o m m i t t e e

A d v i s o r y

A D R U t i l i z a t i o n

C o m m i t t e e

S u r v e y R e s u l t s

## Planning & Policy Advisory Committee

The Wisconsin Supreme Court established the Planning and Policy Advisory Committee (PPAC) in 1990 to advise the Court and the director of state courts on planning initiatives, the administrative structure of the court system and the expeditious handling of judicial matters. The committee functions as the court system's long-range planning committee.

## Mission of ADR Sub-committee

PPAC created the ADR Sub-committee in November 1998. The mission of the sub-committee is to,

"Create a central resource for Wisconsin Court System personnel and participants that contains information about Alternative Dispute Resolution (ADR) programs and procedures. This information will detail the types of programs and procedures in place, how they are being utilized and the results of that use."

# ADR Used in Wisconsin

Wis. Stat. § 802.12 recognizes ten forms of ADR:

- ◆ Binding arbitration
- ◆ Direct negotiation
- ◆ Early neutral evaluation
- ◆ Focus group
- ◆ Mediation
- ◆ Mini-trial
- ◆ Moderated settlement conference
- ◆ Nonbinding arbitration
- ◆ Settlement alternative
- ◆ Summary jury trial

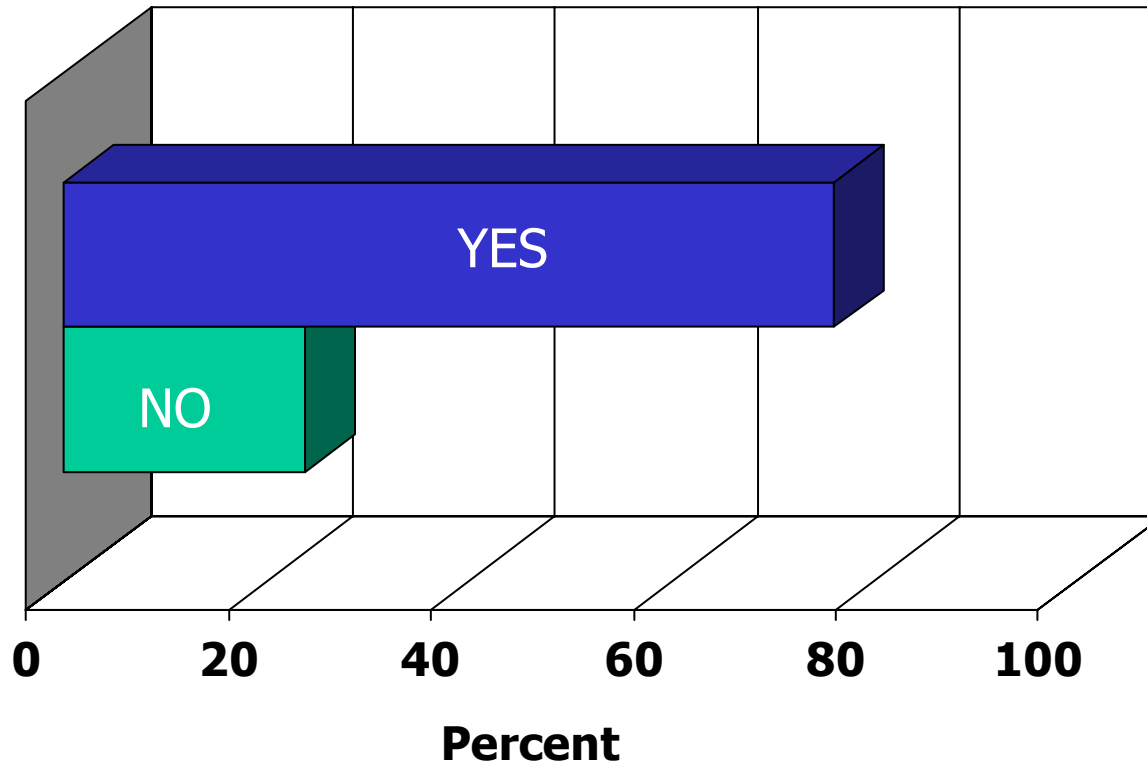
# Survey of ADR Utilization

In 1999 the circuit court judges were surveyed on the types, frequency and circumstances of ADR use in the state.

- ◆ Nine question survey

- ◆ Response rate in excess of 80%

Question 1A: Do you every recom m end the use of specific ADR m ethods?

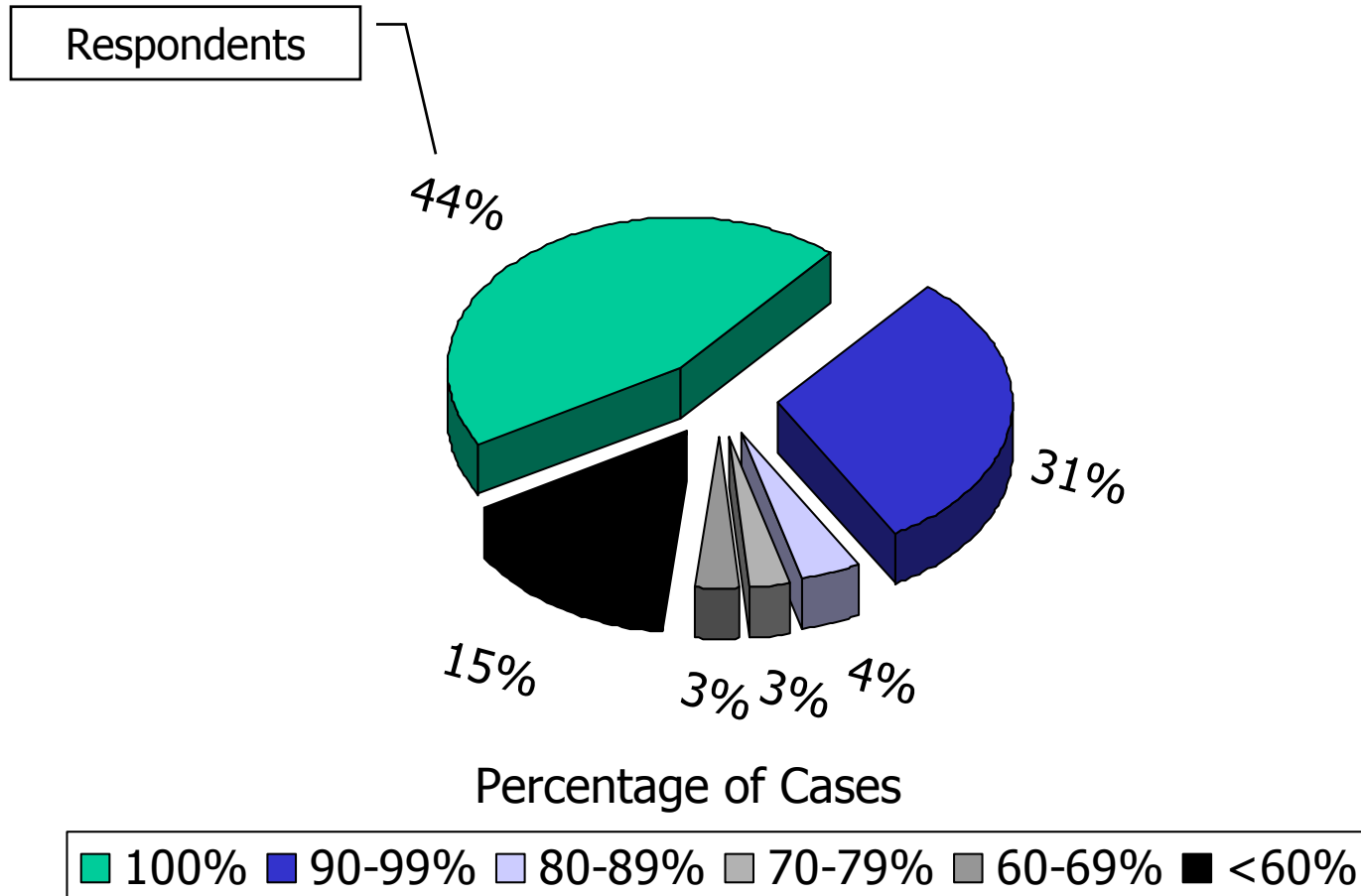


Question 1B asked the percentage of cases in which a specific method of ADR was recommended

- ◆ Mediation
- ◆ Focus groups
- ◆ Mini trial
- ◆ Non-binding arbitration
- ◆ Summary jury trial
- ◆ Other ADR forms

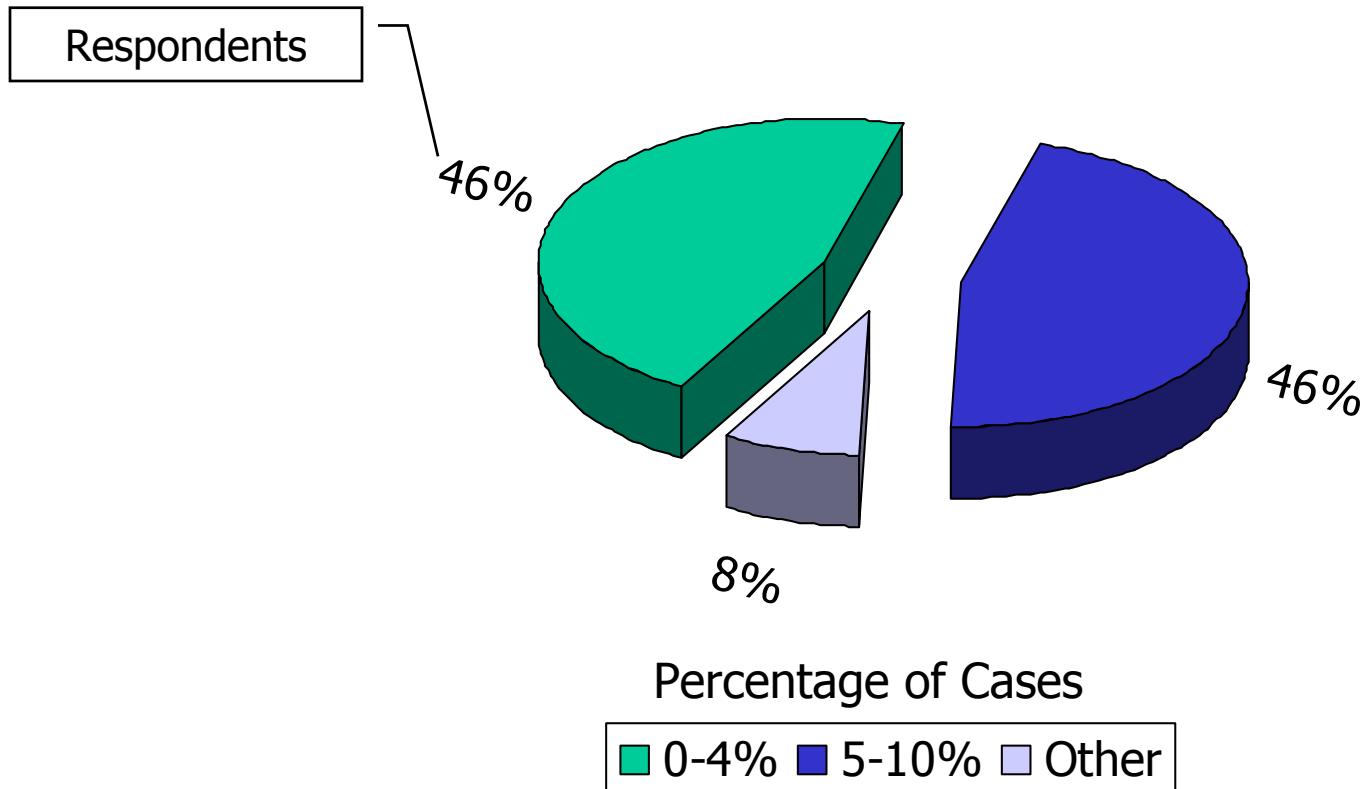
The purpose of this question was to quantify the form of ADR preferred by circuit judges. The next five charts summarize the results for the most popular forms of ADR.

# Percentage of Cases Mediation Recommended

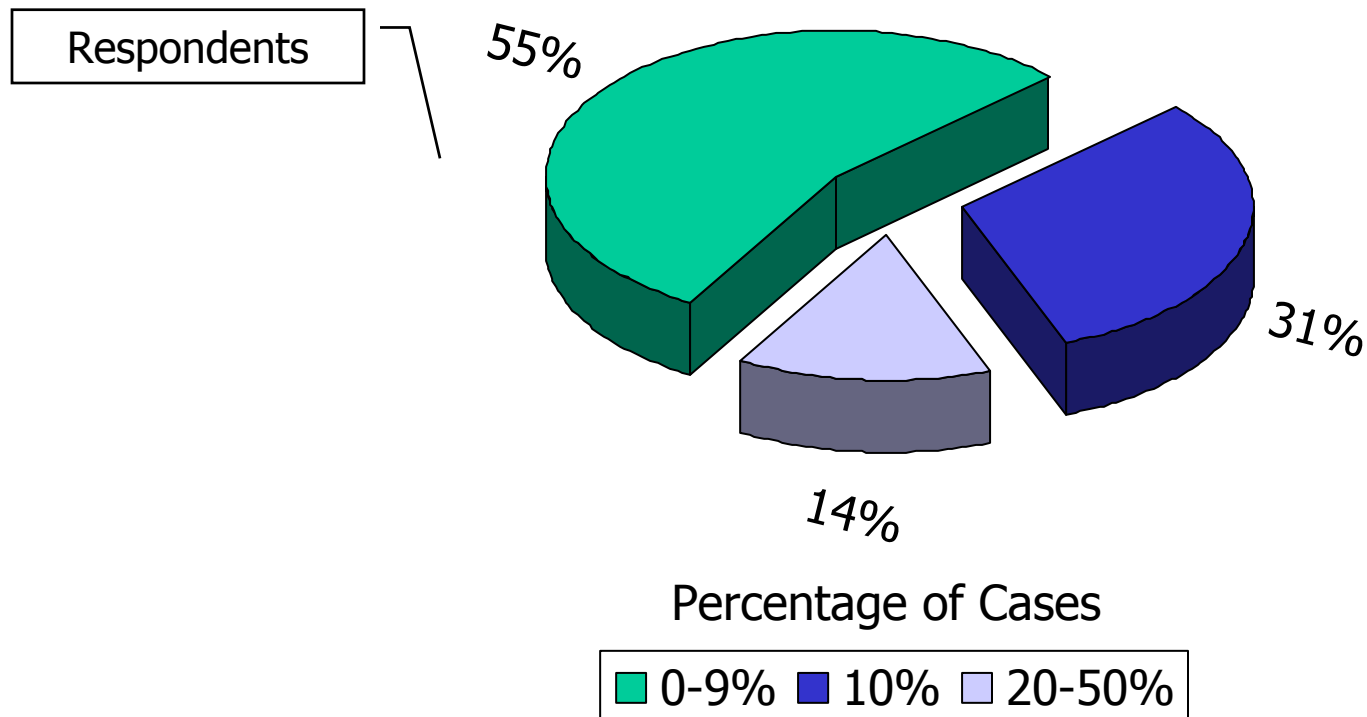




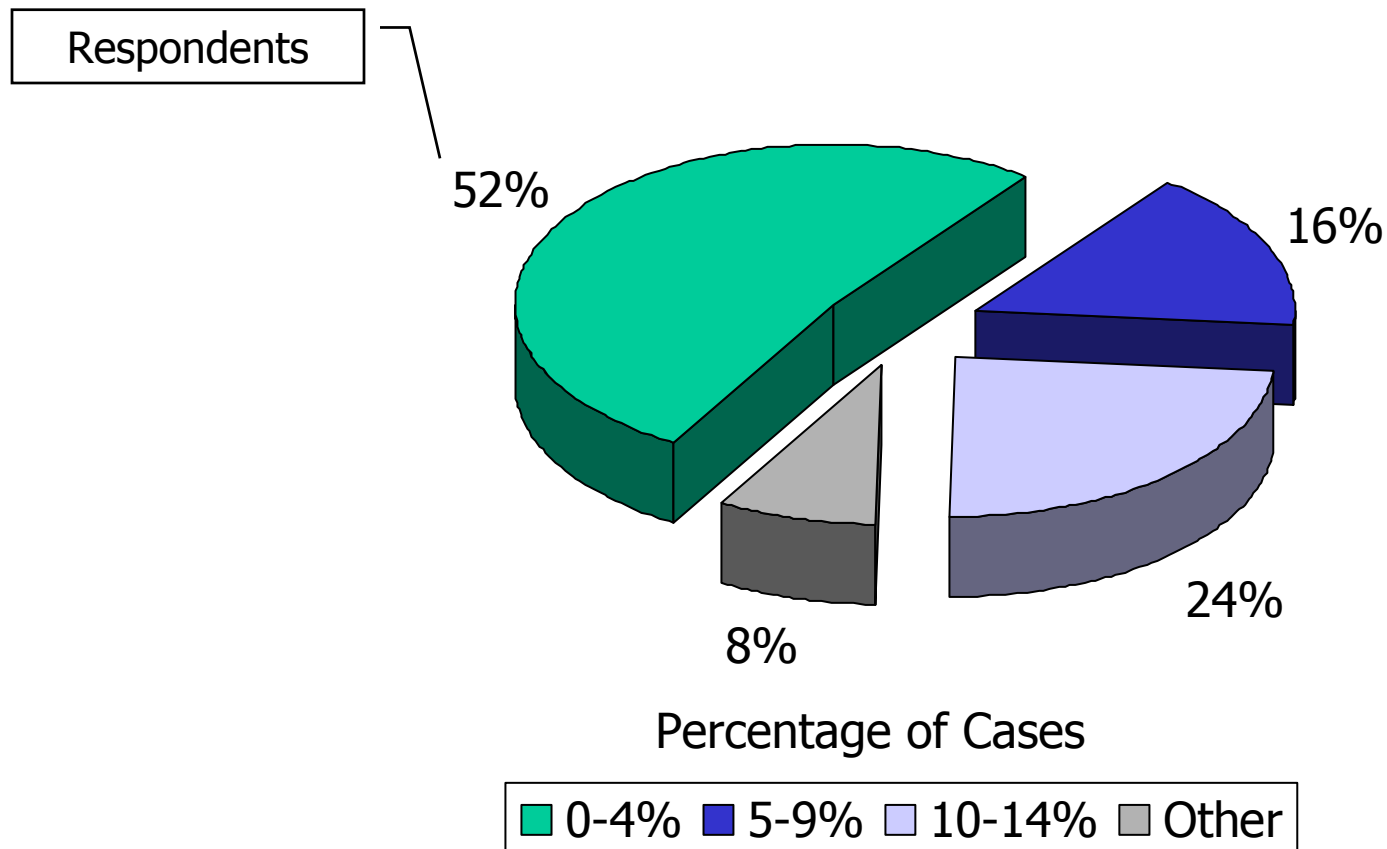
# Percentage of Cases MinutalRecom m ended



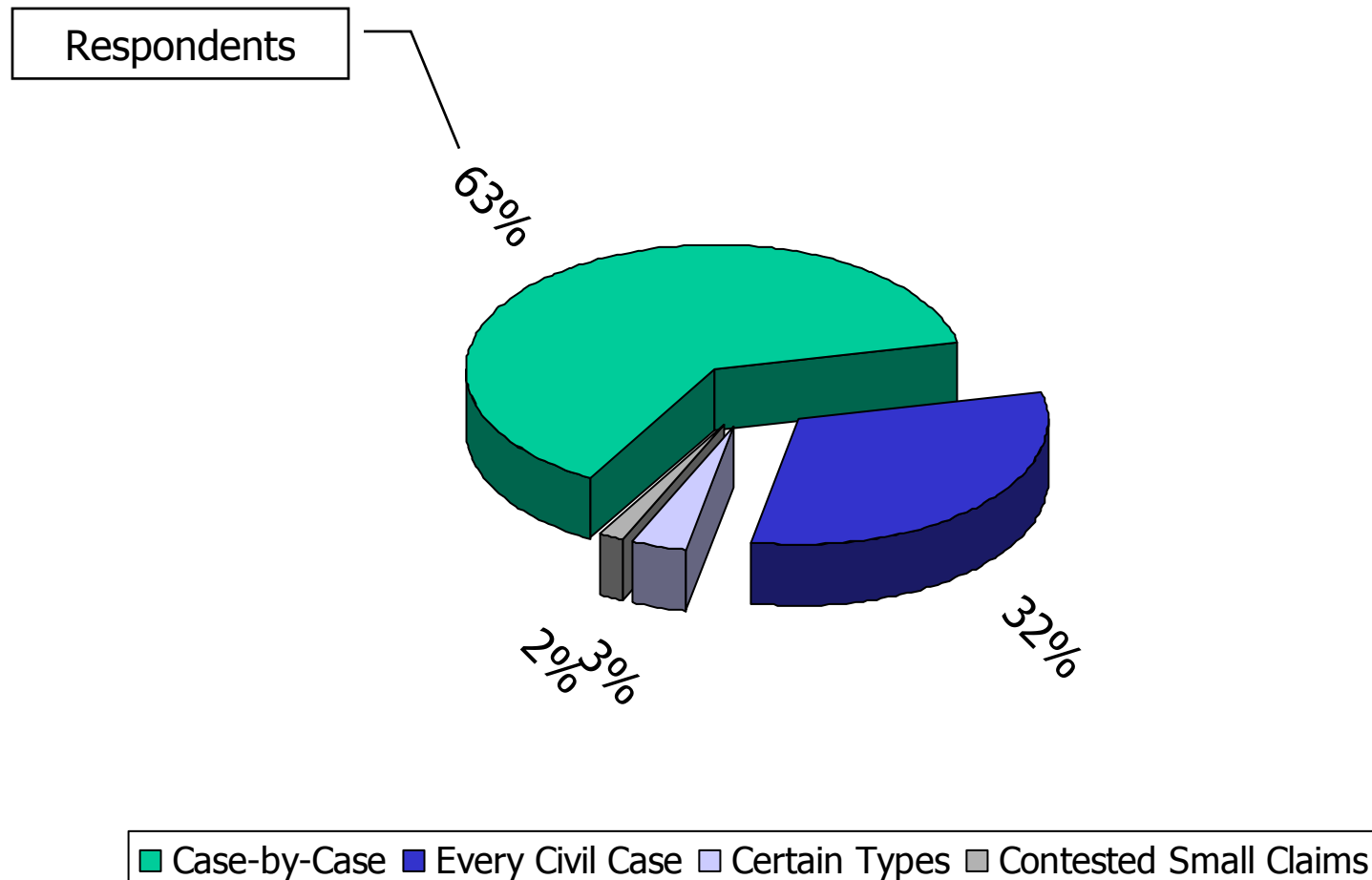
# Percentage of Cases Non-binding Arbitration is Recommended



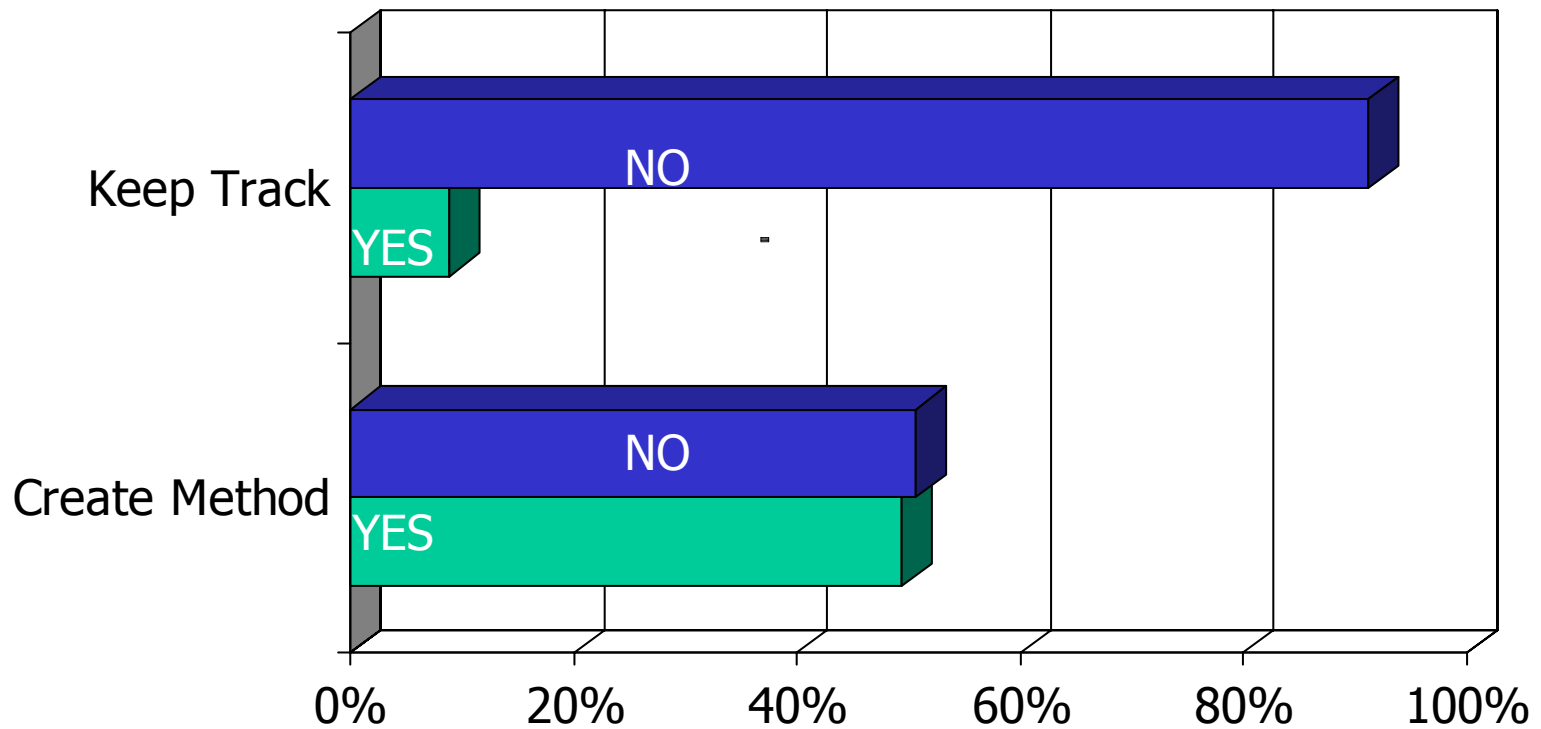
# Percentage of Cases Summary Jury Trial Recommendation ended



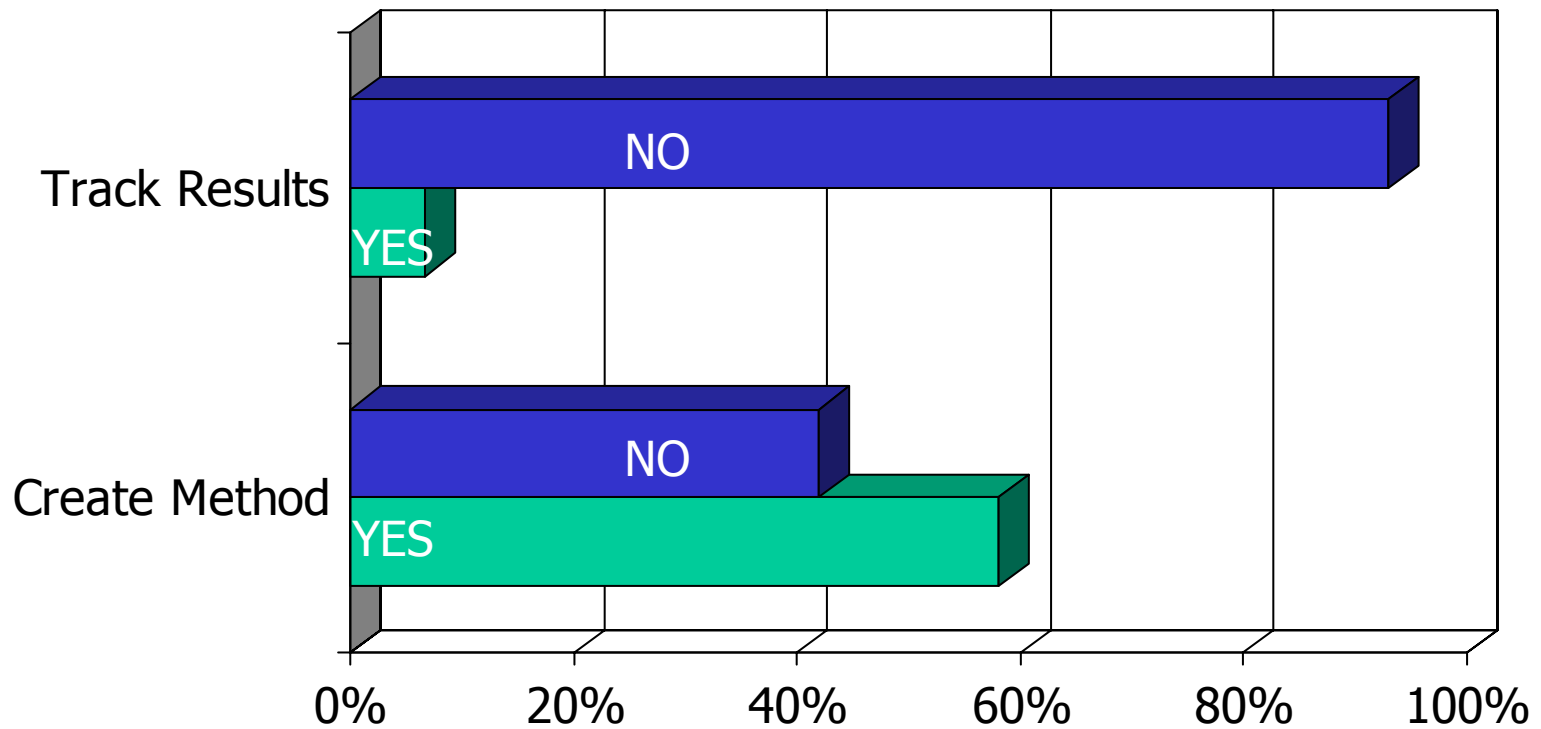
## Question 2: How frequently do you order civil litigants to use ADR?



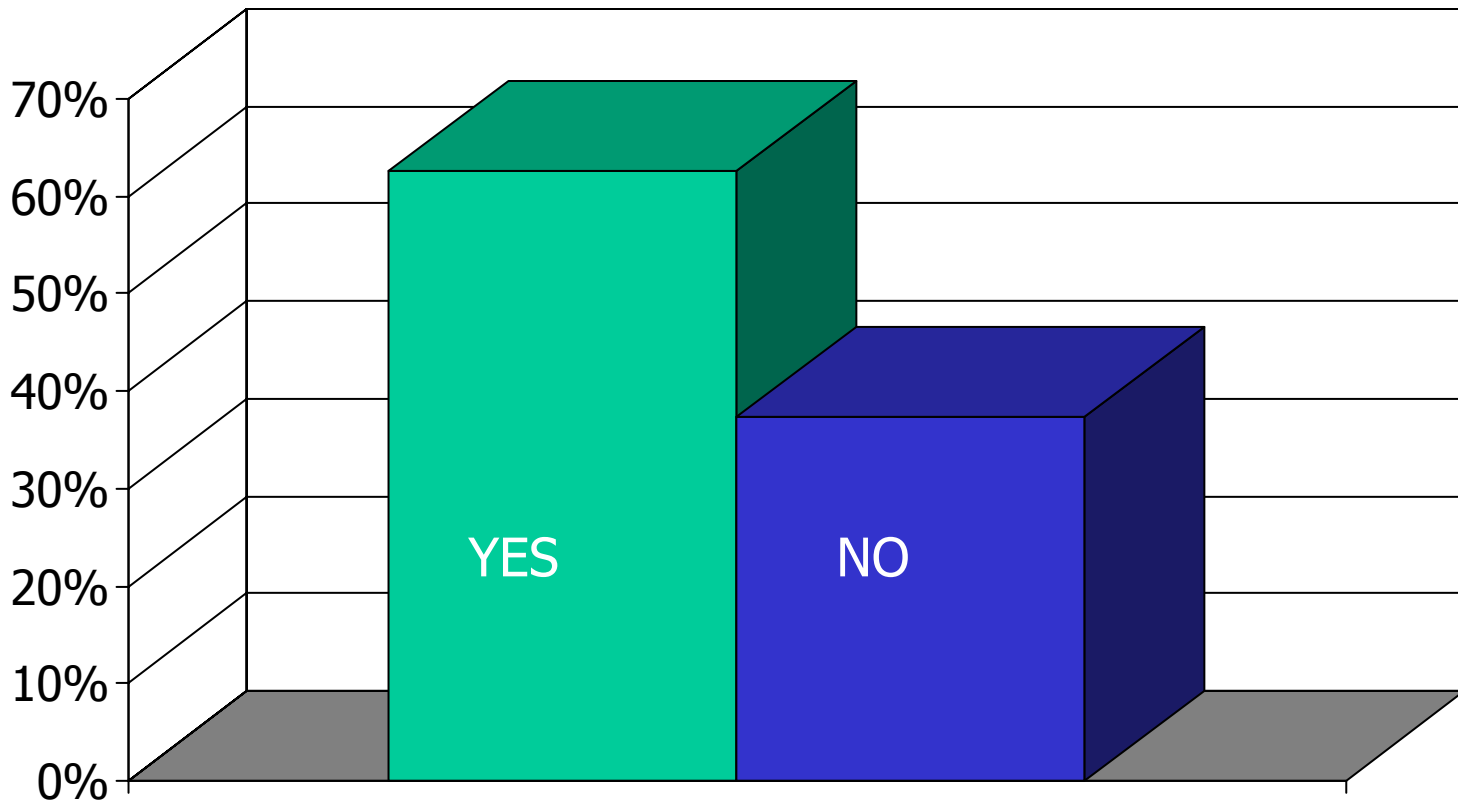
Question 3: Are formal methods used to keep track of the frequency of ADR? Is there a benefit to creating such a method?



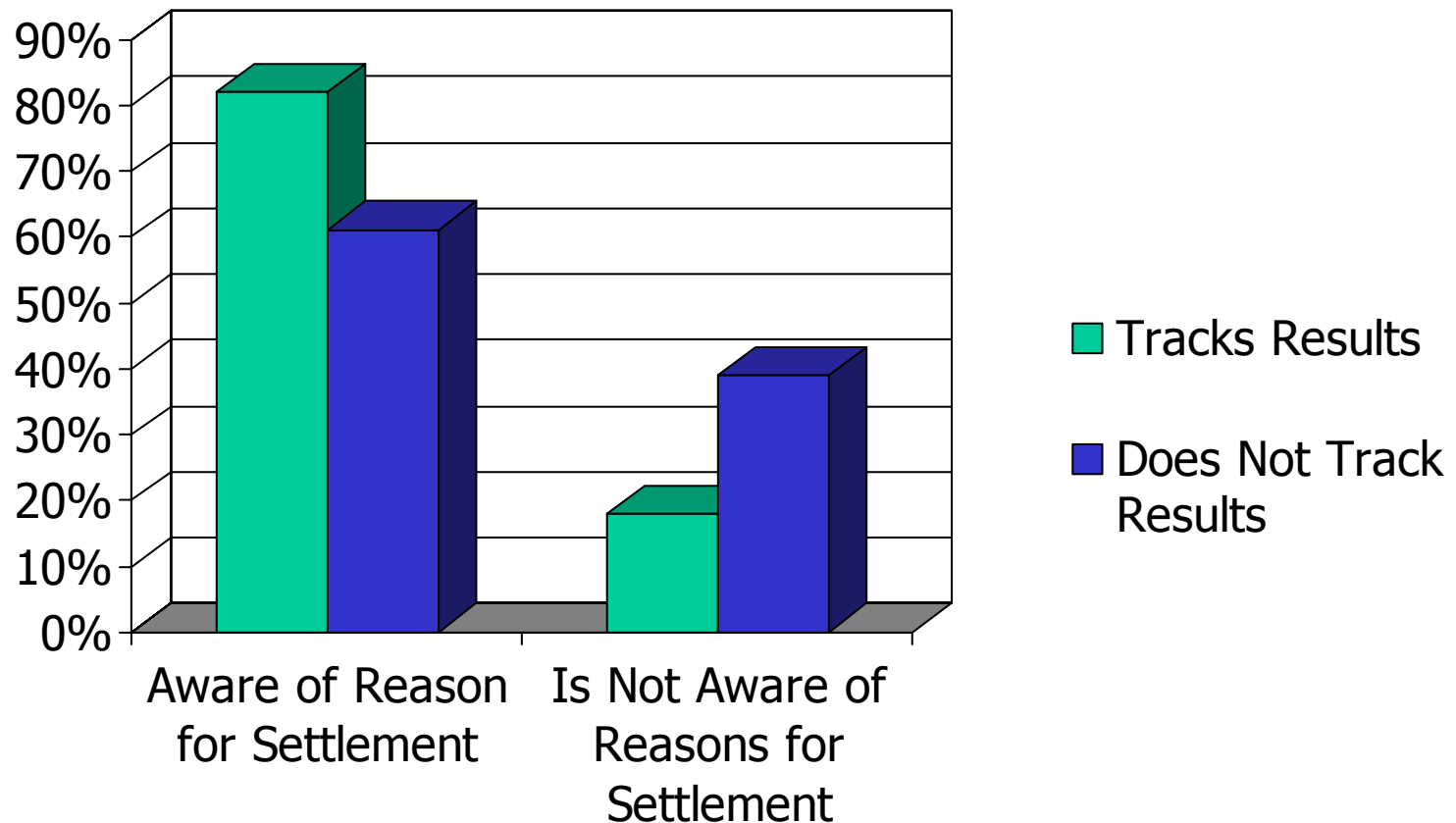
Question 4: Are the results of ADR tracked? Is there a benefit to tracking results?



## Question 5: Are you typically aware of why a civil case settles?

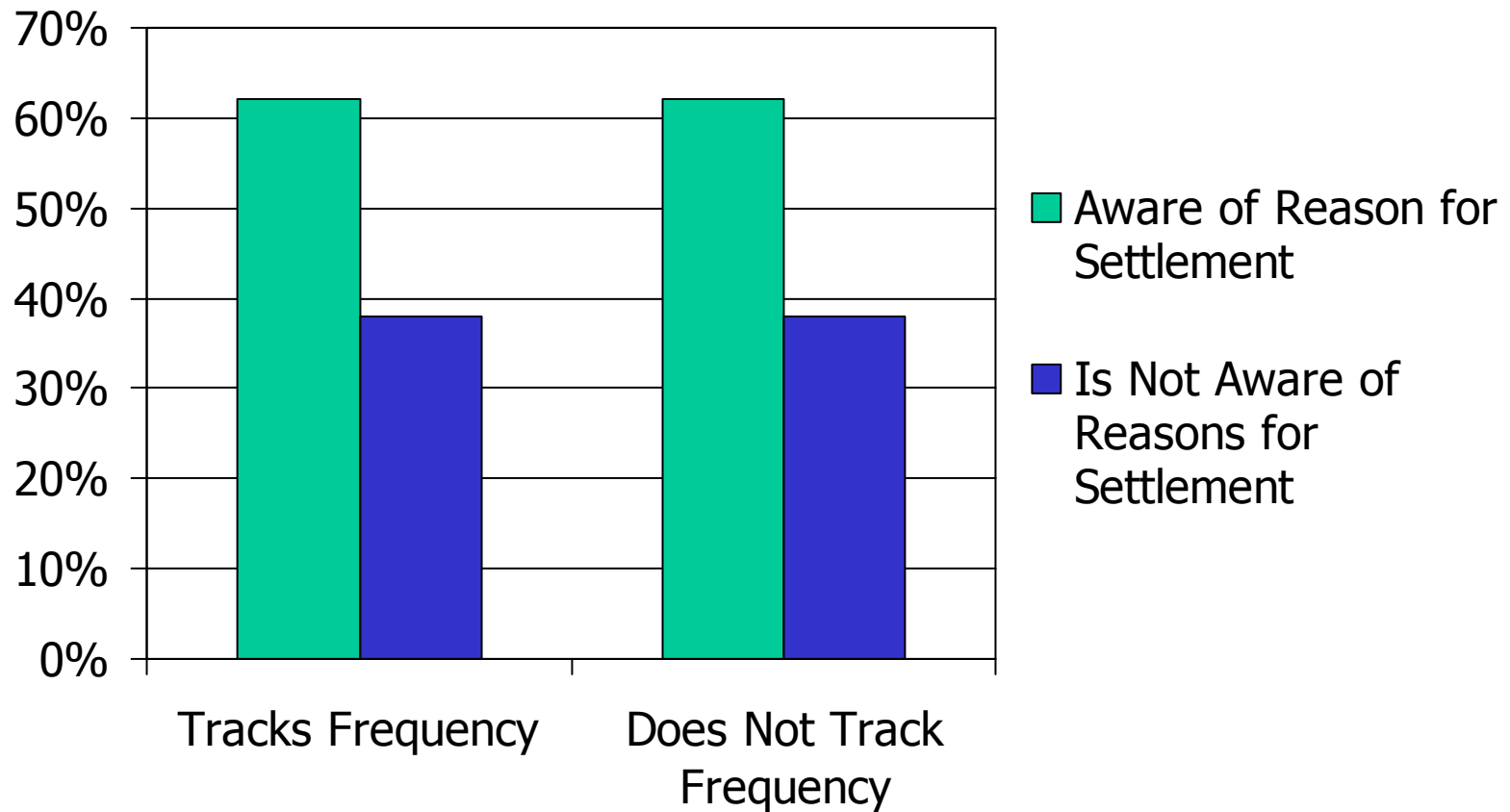


There is a correlation between being aware of why a case settles and tracking the results of ADR.

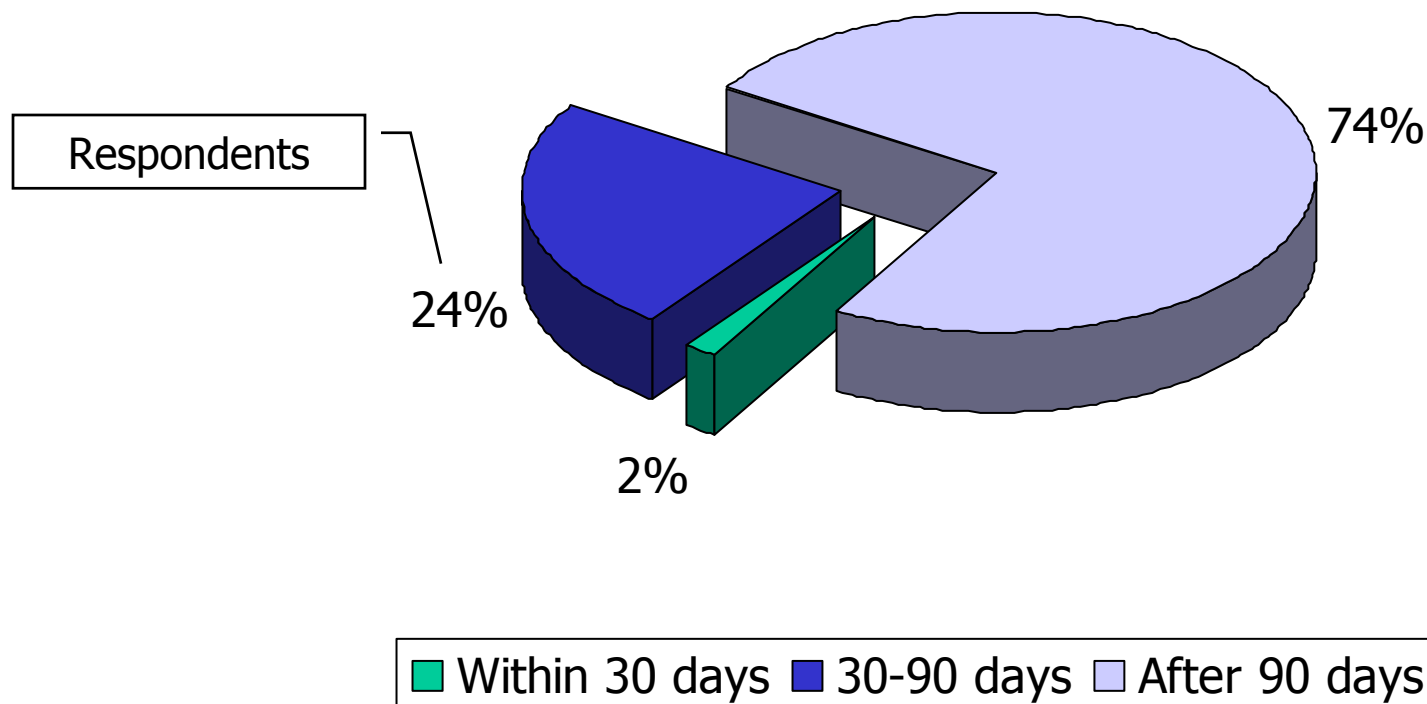




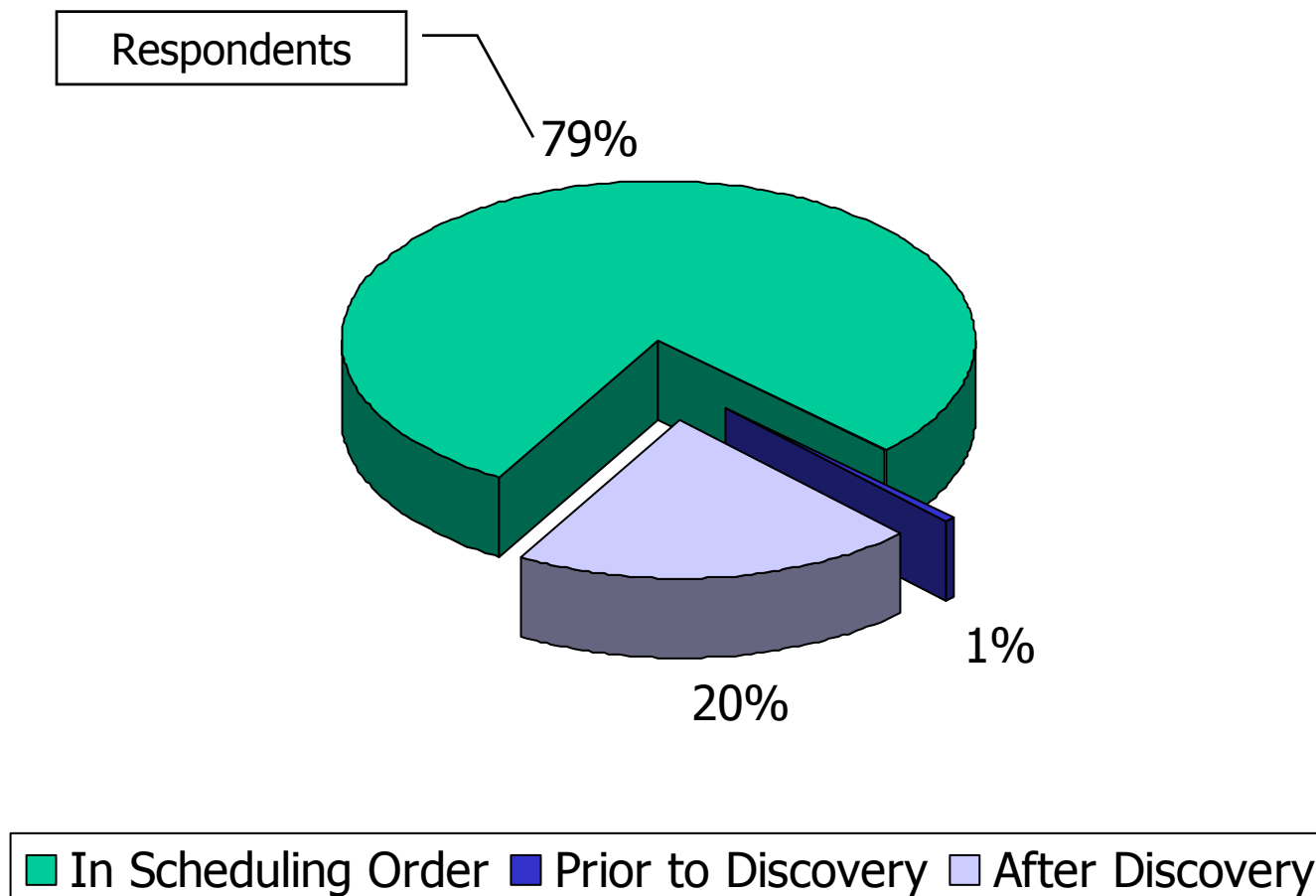
There is no correlation between being aware of why a case settles and tracking the frequency of use of ADR.



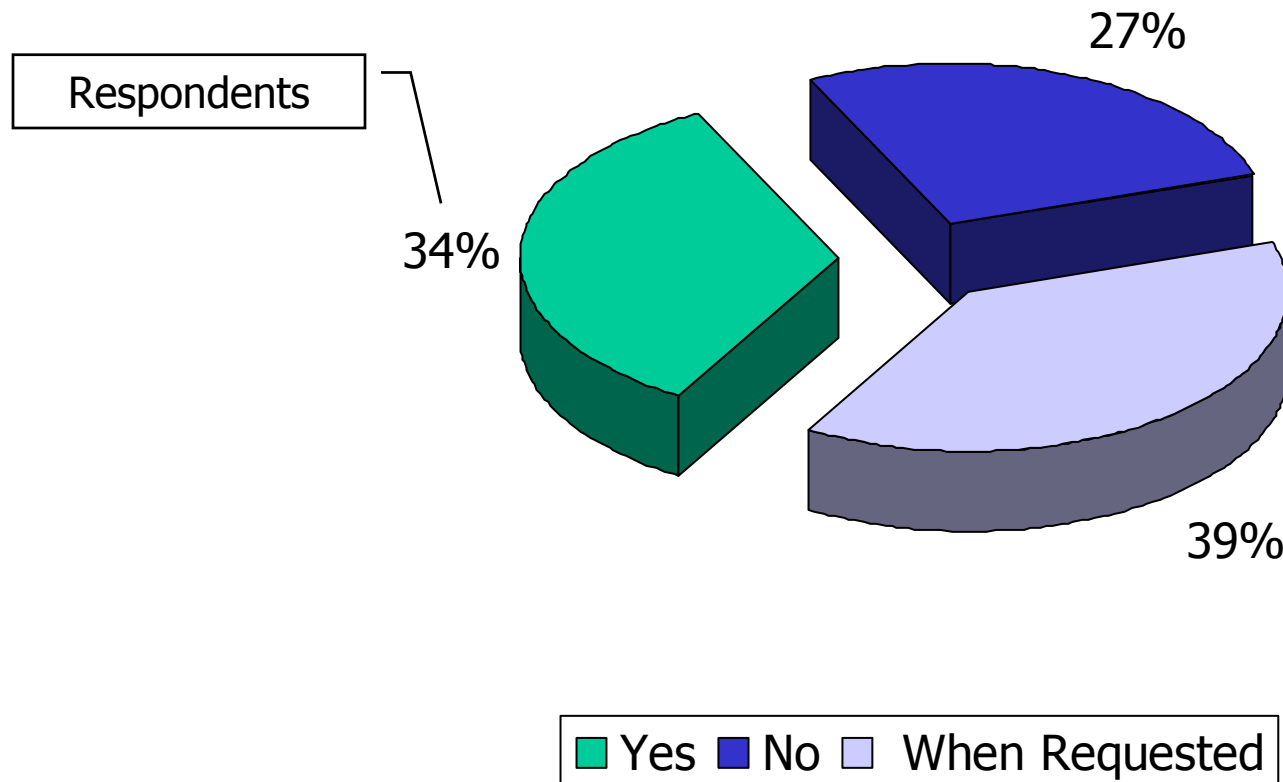
Question 6: How soon after filing of the complaint do you invoke ADR?  
(Time frame related)



Question 6: At what stage of the proceedings do you invoke ADR?  
(Process related)



## Question 7: Do you ever refer to a specific ADR provider?



Question 8: Is local counsel  
supportive of, or resistant to, ADR?

